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**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

The Minutes

May 19, 2000

At 9:30 a.m., the court met in the Library & Courts Building for a continuation of its court calendar. Present: Scotland, Presiding Justice; Nicholson, Associate Justice; Callahan, Associate Justice; Castillo, Bailiff.

C032876 TAHOE VISTA CONCERNED CITIZENS et al. v. COUNTY OF PLACER, COUNTY OF PLACER BOARD OF SUPERVISORS; RAFTON et al.

Cause called. Rose M. Zola argued for appellants. Scott H. Finley argued for respondents. Michael J. McLaughlin argued for real party in interest-respondents. Cause submitted.

At 10:09 a.m., court recessed. At 10:11 a.m., court reconvened with Presiding Justice Scotland, Associate Justice Sims, and Associate Justice Nicholson.

C033292 THE PEOPLE v. VIDAURRI

Cause called. Jesse S. Ortiz III argued for appellant. Robert P. Biegler appeared for appellant but did not argue. Jean M. Marinovich, Deputy Attorney General, argued for respondent. Consolidated with C032107. Cause submitted.

C032107 THE PEOPLE v. VIDAURRI

Cause called. Jesse S. Ortiz III argued for appellant. Robert P. Biegler appeared for appellant but did not argue. Jean M. Marinovich, Deputy Attorney General, argued for respondent. Consolidated with C033292. Cause submitted.

C029692 NANNINI v. DEPARTMENT OF CORRECTIONS

Cause called. Jeffrey L. Aran argued for appellant. James Ching, Deputy Attorney General, argued for respondent. Cause submitted.

C032964 In re JAMES Q. et al.; DEPARTMENT OF HEALTH AND HUMAN SERVICES v. KATHLEEN K.

Cause called. Bradley Bristow argued for appellant. Lilly C. Frawley, Deputy County Counsel, argued for respondents.

At 11:34 a.m., court recessed. At 2:04 p.m., court reconvened with Acting Presiding Justice Sims, Associate Justice Davis, and Associate Justice Callahan.

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- C031786 ISAAC v. COPE**
Cause called. Sandra Cope argued for herself in pro per as appellant. Michael E. Petersen argued for respondent. Cause submitted.

Court recessed at 2:06 p.m., until May 22, 2000.
- C029621 THE PEOPLE v. GUEULETTE (Not for Publication)**
The judgment is affirmed.
 RAYE, J.
We concur: Scotland, P.J.
 Kolkey, J.
- C033357 In re RAIN W.; SISKIYOU COUNTY DEPARTMENT OF HUMAN
SERVICES v. CLARA W. (Not for Publication)**
The order of the juvenile court denying the petition for modification and establishing a guardianship of the minor are affirmed.
 BLEASE, J.
We concur: Scotland, P.J.
 Hull, J.
- C032327 Conservatorship of JOEL E.; McFall, as Conservator v. JOEL E.
 (Not for Publication)**
The appeal is dismissed.
 SIMS, Acting P.J.
We concur: Raye, J.
 Morrison, J.
- C035081 THE PEOPLE v. SUPERIOR COURT, YUBA; (ERICKSON)
 (Not for Publication)**
Let a peremptory writ of mandate issue directing respondent superior court to vacate its order granting defendant's motion for new trial, enter a new order denying that motion, and thereafter proceed to sentence defendant to the punishment prescribed by law for the offenses the jury found him guilty of. The writ of mandate shall also direct that further proceedings in superior court case number C9932 be assigned to a judge other than the Honorable John J. Golden. Upon decision herein becoming final, the previously issued stay is dissolved.
 CALLAHAN, J.
We concur: Sims, Acting P.J.

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Hull, J.

May 22, 2000

MISC. ORDER

2000-03 Associate Justice Coleman A. Blease is appointed to serve as Acting Presiding Justice to discharge the duties described in Rules 75, 76, 77, and 78 of the California Rules of Court during the absence of the Presiding Justice from the court on May 26, 2000, or until his return. (See Cal. Const. Art 6, Sec. 3.) The senior member of a panel of the Court is designated the Acting Presiding Justice of that panel during the absence of the Presiding Justice.

SCOTLAND, P.J.

At 9:30 a.m., the court met in the Library & Courts Building for a continuation of its court calendar session. Present: Blease, Acting Presiding Justice; Morrison, Associate Justice; Kolkey, Associate Justice; and Conrad, Bailiff. Calendar called.

C032656 THOMPSON et al. v. STOCKTON MARKETING, Inc.
Cause called. Richard D. Bridgman argued for appellants. David H. Tennant argued for respondent. Cause submitted.

At 9:47 a.m., court recessed. At 9:49 a.m., court reconvened with Presiding Justice Scotland, Associate Morrison, and Associate Justice Kolkey.

C031446 DURBIN v. USAA GROUP, Inc. et al.; KINNEY
Cause called. Charles G. Kinney argued for appellant & objector-appellant. Ian Fraser-Thomsom argued for respondents. Cause submitted.

At 10:14 a.m., court recessed. At 10:16 a.m., court reconvened with Acting Presiding Justice Blease, Associate Justice Raye, and Associate Justice Kolkey.

C032152 HONORE et al. v. TURNER GAS COMPANY
Cause called. R. Joseph Trojan argued for appellant. James D. Fraser argued for respondent. Cause submitted.

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C032389 TYLER v. CAMERON PARK COMMUNITY SERVICES DISTRICT
Cause called. Robert E. Thurbon argued for defendant-appellant.
Robert P. Biegler argued for complainant-respondent. Cause submitted.

At 11:13 a.m., court recessed. At 11:15 a.m., court reconvened with
Presiding Justice Scotland, Associate Justice Blease, and Associate
Justice Morrison.

C027911 THE PEOPLE v. WINTER
Cause called. Janice Lagerlof, court appointed counsel, argued for
appellant. John G. McLean, Deputy Attorney General, argued for
respondent. Cause submitted.

At 11:33 a.m., court recessed. At 2:00 p.m., court reconvened with
Presiding Justice Scotland, Associate Justice Callahan, and Associate
Justice Kolkey.

C029052 CHATFIELD INVESTMENT COMPANY Inc. v. DAME et al.
Cause called. Michael Flaherty argued for appellants. Anne Marie
Flaherty appeared for appellants but did not argue. Lawrence A.
Wengel argued for respondent. Bradley W. Kragel appeared for
respondent but did not argue.

Court adjourned at 2:39 p.m., until June 19, 2000.

C032477 In re ALEX Y.; THE PEOPLE v. ALEX Y. (Not for Publication)
The order of commitment to CYA is affirmed.
DAVIS, J.
We concur: Scotland, P.J.
Blease, J.

C032799 MORTENSEN v. STATE BOARD OF CONTROL
The order denying the petition for relief from the claims presentation
relief is reversed. The court is directed to allow 30 days for plaintiff to
amend his complaint to join the State Board of Control as a party

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C030684 TRACY COMMUNITY DEVELOPMENT AGENCY v. BEV et al.
(Not for Publication)

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The judgment is affirmed.

HULL, J.

We concur: Scotland, P.J.
Sims, J.

May 22, 2000 continued

C030550 THE PEOPLE v. HOOVER (Not for Publication)

The judgment is affirmed.

DAVIS, Acting P.J.

We concur: Raye, J.
Callahan, J.

C033142 WAGNER et al. v. LUGLI et al. (Not for Publication)

The judgment is affirmed.

HULL, J.

We concur: Sims, Acting P.J.
Kolkey, J.

May 23, 2000

C029134 THE PEOPLE v. MELONSON
Appellant's petition for rehearing is denied.
SCOTLAND, P.J.

C031668 THE PEOPLE v. SUMMERS (Not for Publication)
The judgment of conviction is affirmed and the matter is remanded to the trial court for further proceedings consistent with the views expressed above.

DAVIS, J.

I concur: Morrison, J.

I dissent for several reasons.

... Because of their prejudicial effect, it cannot be said the trial court's error and the prosecutor's misconduct was harmless. Consequently, I would reverse the judgment.

Scotland, P.J.

**C030861 ESSEX INSURANCE COMPANY v. VALLEY OFF ROAD RACING
ASSOCIATION et al. (Not for Publication)**

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The judgment is reversed; the parties shall bear their own costs of this appeal.

BLEASE, Acting P.J.
We concur: Callahan, J.
Hull, J.

May 23, 2000 continued

- C033499 In re BOBBY M. et al.; DEPARTMENT OF HEALTH AND HUMAN SERVICES v. MICHAEL M. (Not for Publication)**
The orders are affirmed.
RAYE, J.
We concur: Scotland, P.J.
Davis, J.
- C033647 In re TYANA G.; DEPARTMENT OF SOCIAL SERVICES v. VINNY G. (Not for Publication)**
The orders denying appellant reunification services and visitation with the minors are reversed, and the matter is remanded and the juvenile court directed to conduct a new disposition hearing on the issue of appellant's entitlement to services and visitation, using the correct standard. In all other respects, the judgment is affirmed.
DAVIS, J.
We concur: Scotland, P.J.
Raye, J.
- C032430 BORRERO et al. v. TOM'S MOBILE & MOTOR, etc., et al. (Not for Publication)**
The judgment is affirmed.
HULL, J.
We concur: Blease, Acting P.J.
Davis, J.
- C031193 THE PEOPLE v. NELSON (Not for Publication)**
The judgment is affirmed.
SCOTLAND, P.J.
We concur: Nicholson, J.
Hull, J.
- C030994 THE PEOPLE v. JONES (Not for Publication)**

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The judgment is affirmed.

DAVIS, Acting P.J.

We concur: Raye, J.

Hull, J.

May 23, 2000 continued

C032235 THE PEOPLE v. CHHUON (Not for Publication)

The judgment is affirmed.

HULL, J.

We concur: Nicholson, Acting P.J.

Callahan, J.

**C030858 SACRAMENTO CHILDREN'S HOME v. DEPARTMENT OF SOCIAL
SERVICES et alia (Not for Publication)**

The judgment is affirmed.

DAVIS, Acting P.J.

We concur: Hull, J.

Kolkey, J.

C031308 In re LARRY D.; THE PEOPLE v. LARRY D. (Not for Publication)

The judgment is affirmed.

SCOTLAND, P.J.

We concur: Raye J.

Hull, J.

C032681 THE PEOPLE v. COLEMAN (Not for Publication)

The judgment of conviction is reversed with the directions to the trial court to set aside appellant's guilty plea, reinstate the original charges, and conduct such proceedings as may be appropriate.

BLEASE, J.

We concur: Scotland, P.J.

Davis, J.

May 24, 2000

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C034247 In re ANDREW F., JR.; THE PEOPLE v. ANDREW F., JR. (Not for Publication)

The judgment is affirmed.
BLEASE, J.
We concur: Scotland, P.J.
Nicholson, J.

May 24, 2000 continued

C032099 THE PEOPLE v. MOM (Certified for Publication)

The judgment is affirmed.
HULL, J.
We concur: Scotland, P.J.
Callahan, J.

C033676 In re CLAY H.; THE PEOPLE v. CLAY H. (Not for Publication)

The judgment is affirmed.
SCOTLAND, P.J.
We concur: Blease, J.
Nicholson, J.

C031925 REIS et al. v. CROM (Not for Publication)

The judgment is affirmed. Defendant shall recover his costs on appeal.
HULL, J.
We concur: Blease, Acting P.J.
Callahan, J.

C030757 THE PEOPLE v. DRAPER (Not for Publication)

The judgment is affirmed.
MORRISON, J.
We concur: Scotland, P.J.
Blease, J.

C029166 In re the Marriage of WESSELS (Not for Publication)

C029478

The judgment is affirmed. Karge is awarded her costs on appeal.
HULL, J.
We concur: Sims, Acting P.J.
Morrison, J.

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C029131 WISNER v. SACRAMENTO COUNTY DEPARTMENT OF AIRPORTS et al. (Not for Publication)

Plaintiff's appeal is dismissed as to defendants Mosley and Gipson-Hawkeswood. The judgment in favor of defendant Sacramento County Department of Airports is affirmed. Defendant Sacramento County Department of Airports is awarded its costs on appeal.

HULL, J.

I concur: Scotland, P.J.

I concur in the result:

Blease, J.

May 24, 2000 continued

C033271 THE PEOPLE v. FORESEE (Not for Publication)

The judgment is affirmed.

HULL, J.

We concur: Nicholson, Acting P.J.

Callahan, J.

C033409 THE PEOPLE v. DURHAM (Not for Publication)

The trial court is directed to prepare a corrected abstract of judgment to reflecting its order to register as a sex offender and its recommendation that defendant participate in drug and alcohol counseling and to forward a certified copy to the Department of Corrections. The judgment is affirmed.

CALLAHAN, J.

We concur: Blease, Acting P.J.

Morrison, J.

C033648 THE PEOPLE v. LYDA (Not for Publication)

The trial court is directed to prepare a corrected abstract of judgment to reflect that defendant was ordered to pay a \$156 jail booking fee and a \$32 classification fee and to forward a certified copy to the Department of Corrections. The judgment is affirmed.

CALLAHAN, J.

We concur: Davis, Acting P.J.

Kolkey, J.

C032050 EL DORADO COUNTY TAXPAYERS FOR QUALITY GROWTH et al. v. EL DORADO COUNTY et al. (Not for Publication)

The judgment is affirmed.

DAVIS, Acting P.J.

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We concur: Raye, J.
Hull, J.

C027969 WIMBERLY v. STARVING STUDENTS, Inc.

(Not for Publication)

The judgment is reversed, and the trial court is directed to enter judgment in defendant's favor on the ground that plaintiff's causes of action are barred by the statute of limitations. The parties shall bear their own costs on appeal.

SCOTLAND, P.J.

We concur: Nicholson, J.
Hull, J.

May 24, 2000 continued

C029964 THE PEOPLE v. GRAVES (Certified for Partial Publication)

The doubling of the punishment for count one, imposed under section 667.61 by reason of section 667, subdivision (e) (1), is reversed. The judgment is modified to impose a term of 25 years to life for count one. As modified, the judgment is affirmed. The trial court is directed to amend the abstract of judgment accordingly and to forward a certified copy of the amended abstract to the Department of Corrections

BLEASE, J.

I concur: Scotland, P.J.

I concur in parts I, II, III, and V of the majority opinion. I respectfully dissent for the conclusion reached by the majority in part IV. ...

I would affirm the judgment in its entirety.

Callahan, J.

C033113 In re ZAVEONE G.; THE PEOPLE v. ZAVEONE G.

(Not for Publication)

The judgment is affirmed.

NICHOLSON, J.

We concur: Scotland, P.J.
Blease, J.

C032662 THE PEOPLE v. PIANTANIDA (Not for Publication)

The judgment is affirmed.

MORRISON, J.

We concur: Raye, Acting P.J.
Kolkey, J.

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The judgment is affirmed.
RAYE, J.
We concur: Nicholson, Acting P.J.
Morrison, J.

The judgment is affirmed.
BLEASE, Acting P.J.
We concur: Morrison, J.
Callahan, J.

May 25, 2000

C035212 **MYERS v. MODOC MEDICAL CENTER et al.**
 Respondents' request for judicial notice is granted as to the material attached to the request.
 It is further ordered that respondents' motion to dismiss the appeal is granted. The appeal filed in superior court on March 22, 2000, is dismissed.

SCOTLAND, P.J.

C034107 THE PEOPLE v. ROCKWOOD
The trial court is directed to prepare a corrected abstract of judgment to reflect the statutory reference for the felony offense as section 12021, subdivision (a) (1), and the 90-day concurrent term for each of the misdemeanor disturbing the peace (§ 415, subd. (2)) offenses, and to forward a certified copy to the Department of Corrections.

CALLAHAN, J.

We concur: Blease, Acting P.J.
 Morrison, J.

The judgment is affirmed.
CALLAHAN, J.
We concur: Scotland, P.J.
Hull, J.

The judgment is affirmed.

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CALLAHAN, J.

We concur: Davis, Acting P.J.
Kolkey, J.

C034969

THE PEOPLE v. JOHNSON

Appellant's petition for rehearing is denied. Appellant has failed to specify any issue that would be cognizable on appeal. (Pen. Code, sec. 137.1 ["No appeal shall be taken by the defendant from a judgment of conviction on the ground of an error in the calculation of presentence custody credits, unless the defendant first presents the claim in the trial court of sentencing, or if the error is not discovered until after sentencing, the defendant first makes a motion for correction of the record in the trial court"]; *People v. Panizzon* (1996) 13 Cal. 4th 68, 79, 90.)

SCOTLAND, P.J.